

REMARKS

Reconsideration and reexamination of the subject application, pursuant to and consistent with 37 C.F.R. Section 1.112, and in light of the remarks which follow, are respectfully requested. This communication is in response to the final official action mailed on September 11, 2006. In this response, claims 1 and 3 - 27 are pending. No claim is amended or cancelled

The examiner has rejected claims 1, 3, 4 and 10 - 22 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Sebag (United States Patent No. 6,403,106) and Mougin (United States Patent No. 6,113,882), each individually. The examiner concedes that neither Sebag nor Mougin disclose the use of carriers or adjuvants in a proportion of at least 50% by weight of the dispersion. The examiner, however, contends that "since the graft copolymer of the [claimed invention] can comprise between 0.1% - 50% of the dispersion[,], the carrier and adjuvants would comprise the rest [of the composition] which would be at least 50%." Official Action, pages 3 - 4. Even were that the case, which Applicant does not concede, the claimed invention is unobvious and therefore the rejection is respectfully traversed.

Foremost, there is no teaching or suggestion in the cited art of an oily phase dispersible copolymer comprised of an insoluble skeleton and soluble grafts. Instead, the cited art teaches the exact opposite--a copolymer comprised of a flexible, water soluble skeleton containing rigid, insoluble grafts which is dispersible in water.

Specifically, Sebag and Mougin both teach a copolymer that is soluble or dispersible in water. Sebag, col. 2, l. 26; Mougin, col. 2, l. 33. In contrast, the copolymers of the claimed invention are dispersible, but not soluble, in a non-

aqueous non-silicone organic medium. Moreover, Sebag and Mougin teach that the skeleton portion of the copolymer is water soluble. The skeleton portion of the copolymer of the claimed invention, however, is insoluble in the non-aqueous non-silicone organic medium (oily phase insoluble). Further, the graft portion of the copolymer of Sebag and Mougin is water insoluble, while the graft portion of the claimed invention is soluble in the non-aqueous non-silicone organic medium (oily phase soluble). Because the copolymer dispersions of the claimed invention are diametrically opposed to those claimed in the cited art, the claimed invention cannot be rendered obvious. Accordingly, the examiner's obviousness rejection should be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

Application No.: 10/735,156

Docket No.: LOREAL 3.0-002

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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